

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT No. 1000

T02-0096

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", Norfolk Southern Railway Company, hereinafter referred to as "COMPANY", the County of Sangamon, hereinafter referred to as "COUNTY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through formal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY 's track with a public highway known as County Highway ("CH") 32 (Mt. Pulaski Road), located near Illiopolis, Sangamon County, Illinois, designated as crossing AAR/DOT 479 277X, milepost 394.04 WC; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvement be allocated to the COUNTY; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

(a) the improvement of the highway approaches to the CH 32 crossing by milling a portion of the south highway approach in the vicinity of the crossing, by the reconstruction of the north highway approach to the requirements of 92 Illinois Administrative Code 1535.204, and the resurfacing of CH 32 northward from the crossing

DOCKETED

to a location adjacent to an existing Monsanto Plant, a distance of approximately 4500 feet (See Exhibit C, page 2).

Section 3 The COUNTY has prepared a preliminary estimate of cost to accomplish the proposed improvement that it may be required to perform. Said estimate is attached as Exhibit B. The COUNTY shall upon Order, according to the requirements contained therein, prepare detailed drawings, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION.

Section 4 The COUNTY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be six (6) months from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) the cost for the improvements listed in Section 2(a), estimated to be \$20,000, shall be allocated 100% of the actual cost to the COUNTY. Any additional costs, as well as the cost of future maintenance highway approaches, shall be borne by the COUNTY. (See Exhibit B)

Section 6 The COUNTY is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.


Section 7 Special Provisions: The COUNTY should be given a variance to the grade requirements of 92 Ill. Adm. Code 1535.204 and granted permission to maintain the south highway approach to the CH 32 crossing to the existing grade as shown on Exhibit C, pages 1 and 2).

The COUNTY shall at notify the Director of Processing and Information, Transportation Division of the Commission, within five (5) days of the completion of the work herein required, a written notice of said completion.

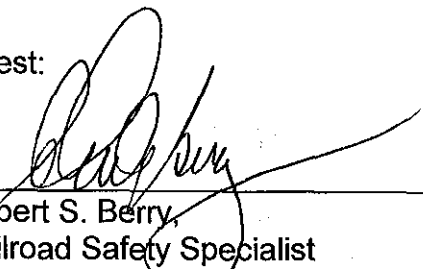
Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 12<sup>th</sup> day of April, 2002.

  
\_\_\_\_\_  
Michael E. Stead  
Rail Safety Program Administrator

Attest:

  
\_\_\_\_\_  
Robert S. Berry,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1000 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with County Highway 32, located near Illiopolis, Sangamon County, designated as crossing AAR/DOT 477 277X, milepost 394.04WC and 167 276D milepost 179.45 CC.

Executed by the Department this 16<sup>th</sup> day of May, 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James G. Costello  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 1000 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with County Highway 32, located near Illiopolis, Sangamon County, designated as crossing AAR/DOT 477 277X, milepost 394.04WC and 167 276D milepost 179.45 CC.

Executed by the County of Sangamon this 16TH day of MAY, 2002.

THE COUTY OF SANGAMON

By:

A. Lynn Smith  
CHAIRMAN, SANGAMON COUNTY BOARD

Attest:

Joe Aiello  
COUNTY CLERK

Illinois Commerce Commission Stipulated Agreement No. 1000 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with County Highway 32, located near Illiopolis, Sangamon County, designated as crossing AAR/DOT 477 277X, milepost 394.04WC and 167 276D milepost 179.45 CC.

Executed by the Company this 17<sup>th</sup> day of September, 2002.

NORFOLK SOUTHERN RAILWAY COMPANY

By: HR Comstock

Attest:



—Assistant Corporate Secretary

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 394.04 WC Inventory # 479 277X

City Near Illiopolis Street CH 32 (Mt. Pulaski Road) County Sangamon

Jurisdiction County Urban      Rural X Commercial      Residential X

Street Surface Bituminous Width 22' Condition Good

Angle 90° Tracks Tangent      Degree of Curve      Super-elevation     

Depth of Cut      Height of Fill     

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Timber/ asphalt	35'	Good

Intersecting Roads 100' US Rte 36/CH 32 intersection is 51' to the south of the crossing

Traffic Control Devices Present Stop sign on CH 32 at US Rte. 36 intersection

ADT 750 Speed 55 mph (unposted) Statewide Yes

School buses      Hazardous Materials Farm chemicals Other     

Rail Traffic: Ft. 20 @ 50 mph Pass.      @      mph Switch     

Simultaneous Movements No Daylight and Dark Yes

Present Protection Automatic flashing light signals with sidelights

Advance Warning Signs Yes Pavement Marking

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

North \*      '      %      '      %      '      %  
 South \*      '      %      '      %      '      %

\* See Exhibit C

Comments: The existing highway approaches to the CH 32 crossing do not conform to COMMISSION requirements. The COUNTY is going to reconstruct the north highway approach to the CH 32 crossing to COMMISSION requirements as part of a road resurfacing project. The roadway is being resurfaced to handle 80,000 lb. trucks entering and leaving a Monsanto Plant located approximately 4500' north of the crossing.

Due to the close proximity of US Rte. 36 to the CH 32 crossing (51 feet), it is not economically or physically possible to bring the south highway approach into compliance with COMMISSION requirements. The COUNTY should be given a variance and granted permission to maintain the south highway approach to the crossing to the existing grade. The COUNTY is going to perform some milling on the south highway approach in the vicinity of the crossing. All cost for the highway approach improvements and future maintenance of the approaches to the CH 32 crossing will be borne by the COUNTY.



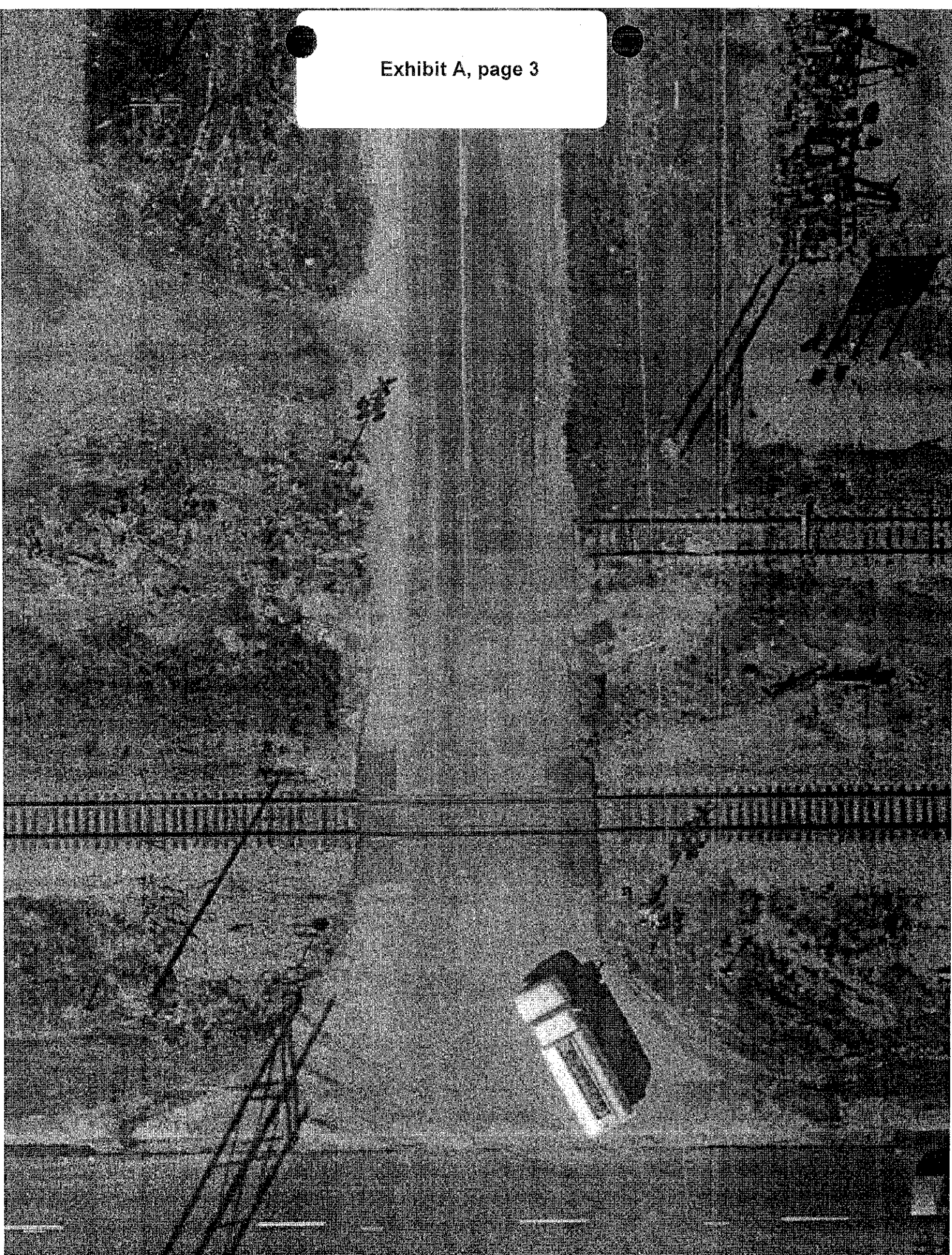


Exhibit B

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

PRELIMINARY HIGHWAY IMPROVEMENT COST ESTIMATE

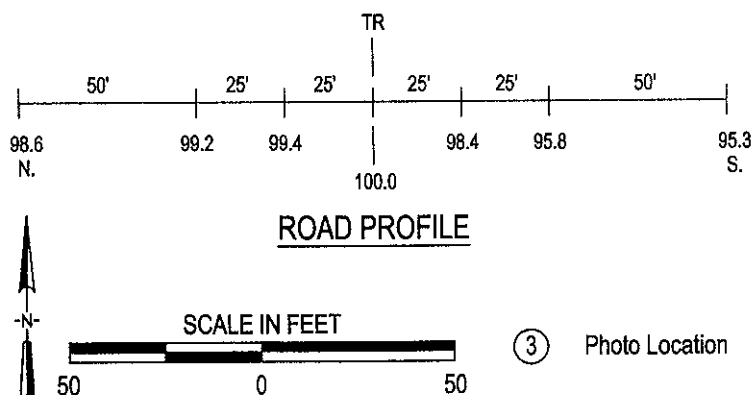
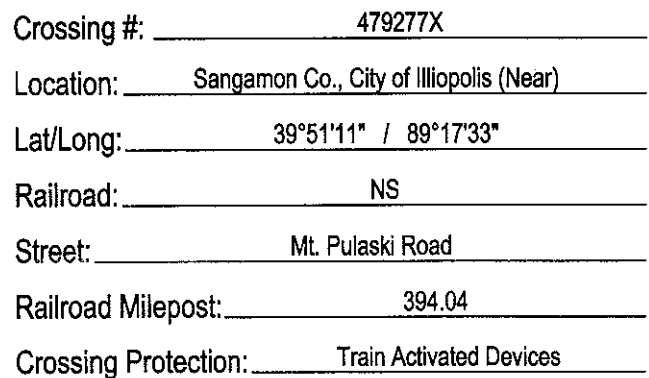
Date April 12, 2002

Agreement # 1000

The cost to accomplish the highway improvements contemplated in Section 2 of this Agreement is estimated to be \$20,000

GENERAL ITEM COSTS

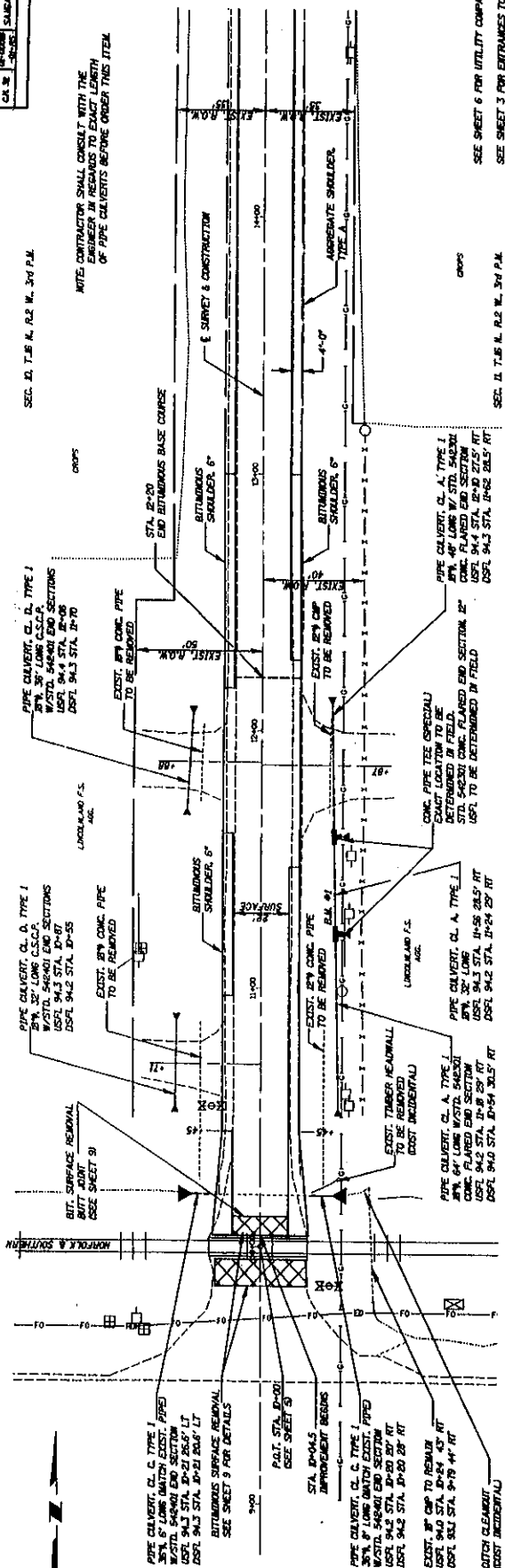
ITEM	QUANTITY	COST
Embankment		
Excavation		
Aggregate Surface		
Pipe Culvert 42'		
Pipe Culvert 36'		
Engineering		
Other		
	TOTAL	<u>\$20,000</u>





SEC. 12, T. 15 N., R. 2 W., 3rd P.M.

CONTRACTOR SHALL CONSULT WITH THE  
ENGINEER IN REGARDS TO EXACT LENGTH  
OF PIPE CULVERTS BEFORE ORDER THIS ITEM



SEE SHEET 6 FOR UTILITY COMPANIES.

SEC. 11 7.15 N. R. 2 W., 34 PM.

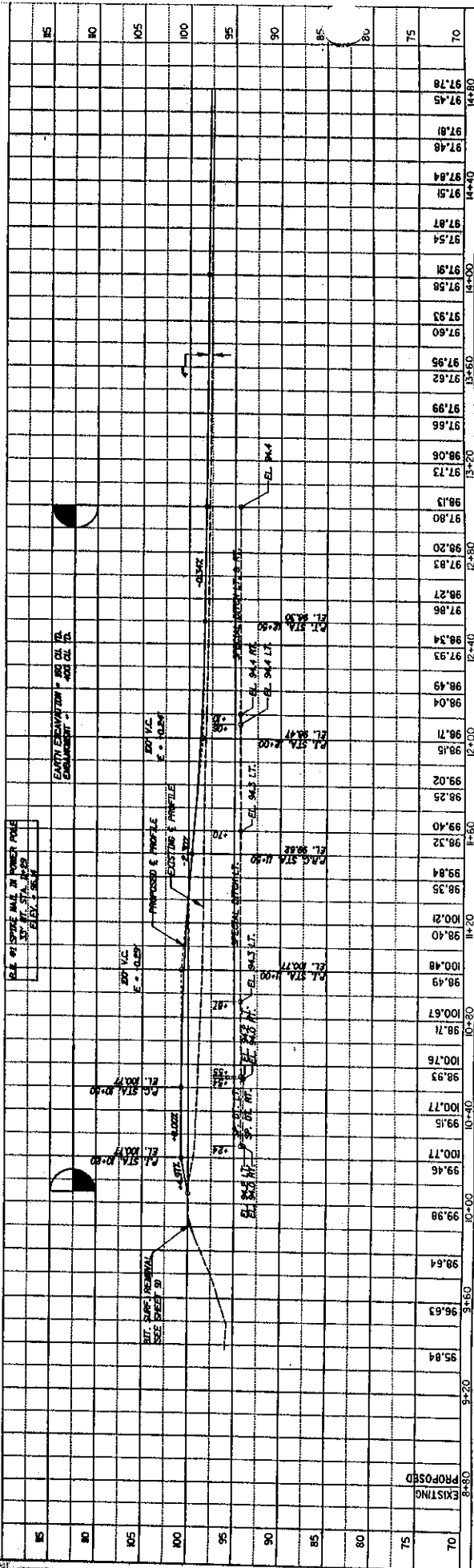


Exhibit D

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENTDate MAY 16, 2002Agreement # 1000The SANGAMON COUNTY BOARD  
(Board or Council of Township, Village, City, County, etc.)meeting on MAY 14, 2002, Resolved to authorize COUNTY BOARD CHAIRMAN  
(Name, Office)to act as its designated agent in the processing of this Stipulated Agreement and  
that the SANGAMON COUNTY is financially willing and able to  
(Township, Village, City, County)bear the cost for the proposed improvements as may be assigned to it according  
to Section 5 of this Agreement.

## RESOLUTION 1-1

WHEREAS, the County Highway Department has plans to improve the south section of North Mt. Pulaski Road, CH 32, from Old Route 36 to the entrance of the Monsanto Plant a distance of approximately 4,500 feet; and,

WHEREAS, a track owned by the Norfolk & Southern Railroad crosses North Mt. Pulaski Road, CH 32, approximately 51 feet north of Old Route 36; and,

WHEREAS, it is necessary for Sangamon County to enter into a Stipulated Agreement with the Illinois Commerce Commission to construct a new approach to the Norfolk & Southern Railroad.

NOW THEREFORE BE IT RESOLVED, by the County Board of Sangamon County, at its Regular Reconvened Adjourned September Session, assembled the 14<sup>th</sup> day of May, A.D., 2002 that the Stipulated Agreement, Agreement #1000, between Sangamon County and the Illinois Commerce Commission be approved; and,

BE IT FURTHER RESOLVED, that the Chairman of the County Board of Sangamon County is hereby authorized and directed to sign said Stipulated Agreement on behalf of Sangamon County.

Respectfully submitted,

*[Handwritten signatures of County Board members]*

Road & Bridge Committee  
Sangamon County Board

I, Joe Aiello, County Clerk in and for said County in the State of Illinois, and keeper of the records and files thereof as provided by Statute, do hereby certify the foregoing to be a true, perfect and complete copy of a RESOLUTION adopted by the County Board of Sangamon County at it's REGULAR RECONVENED ADJOURNED SEPTEMBER SESSION, assembled this 14th day of MAY A.D., 2002.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County at my office in Springfield in said County, this 14th day of MAY, A.D., 2002.

*[Handwritten signature of Joe Aiello]*  
COUNTY CLERK

**FILED**

APR 25 2002

*[Handwritten signature of Joe Aiello]*  
Sangamon County Clerk